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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,755	10/01/2003	Kazufumi Kato	81754.0099	4916

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EXAMINER

CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/677,755	Applicant(s) KATO, KAZUFUMI	
	Examiner Stephen J. Cherry	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 2,3,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-1-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-16, in the reply filed on 2-16-2005 is acknowledged.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated, as described in paragraph 32 of the specification. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because in figure 1 objects 10-50 should be shown in outline form to allow electronic reproduction. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 6 and 13 are objected to because of the following informalities:

1. The claims recite the limitation "such as by bar code"; it is not clear that this phrase is intended to be limiting in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8, 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,456,951 to Maeda et al.

Claim 1 recites, as disclosed by Maeda:

1. A method of displaying a measurement result in an inspection process using a network, the method comprising:
transmitting to a device a measurement condition of a lot determined to be used ('951, col. 6, line 21); measuring the lot based on the measurement condition received via a network and obtaining measured data ('951, col. 5, line 42); determining whether or not the measured data received via the network is abnormal or normal based on a predetermined assessment standard and producing a result of assessing a measured value so as to transmit the result to the device ('951, fig. 2, and col. 16, line 42) and providing a display corresponding to the result of assessing the measured value in accordance with the received result of assessing

the measured value as well as a previously registered display standard ('951, col. 16, line 42).

Claim 4 recites, as disclosed by Maeda:

4. The method of displaying a measurement result in an inspection process according to claim 1, wherein the providing step includes providing a display showing the operating condition of the device and a display corresponding to the result of assessing the measured value on a device monitor connected to the device ('951, col. 16, line 42).

Claim 5 recites, as disclosed by Maeda:

5. The method of displaying a measurement result in an inspection process according to claim 1, wherein the determining step includes not transmitting an instruction to transfer a corresponding lot or of transmitting an instruction to transfer the lot to a buffer, to a transferring portion connected to a host via the network in case that the result of assessing the measured value is abnormal while transmitting to the transferring portion an instruction to transfer the corresponding lot and also transmitting to a processing device for a next process an instruction to start processing of the corresponding lot in case that the result of assessing the measured value is normal ('951, col. 4, line 40).

Claim 6 recites, as disclosed by Maeda:

6. The method of displaying a measurement result in an inspection process according to claim 1, wherein the measuring step includes reading a lot number such as a bar code by an identification mounted in the device and then adding the lot number to the measured data so as to transmit the data to a host, and wherein the determining step includes including the lot number in the produced result of assessing the measured value ('951, col. 5, line 42).

Claim 7 recites, as disclosed by Maeda:

7. A computer program capable of implementing operation by the method of displaying a measurement result in an inspection process according to claim 1, further comprising encoding each step ('951, fig. 1, programs of ref. Numbers 30, 31, 40, and 1).

Claim 8 recites, as disclosed by Maeda:

8. A system of displaying a measurement result in an inspection process using a network, the system comprising: a device that measures a lot based on a measurement condition corresponding to the inspection process so as to obtain measured data ('951, ref. 30); and a host that intensively controls and manages the device in one or a plurality of steps, the host further comprising: a device control server that transmits to the device via the network the measurement condition of a lot determined to be use ('951, ref. 3); and a process management server that assesses

the measured data, which is received via the network, based on a predetermined assessment standard, and then produces a result of assessing a measured value so as to transmit the result to the device ('951, ref. 1), wherein the device provides a display corresponding to the result of assessing the measured value in accordance with the received result of assessing the measured value and a previously registered display standard ('951, ref. 3b).

Claim 11 recites, as disclosed by Maeda:

11. The system of displaying a measurement result in an inspection process according to claim 8, wherein the device comprises a device monitor, and the device monitor provides the display showing the operating condition of the device and the display corresponding to the result of assessing the measured value ('951 ref. 30b).

Claim 12 recites, as disclosed by Maeda:

12. The system of displaying a measurement result in an inspection process according to claim 8, wherein the host does not transmit an instruction to transfer the corresponding lot or transmits an instruction to transfer the lot to a buffer, to a transferring portion connected to the host via the network in case that the result of assessing the measured value is abnormal while transmitting to the transferring portion an instruction to transfer the corresponding lot

and also transmitting to a processing device for a next process an instruction to start processing of the corresponding lot in case that the result of assessing the measured value is normal ('951, col. 4, line 40).

Claim 13 recites, as disclosed by Maeda:

13. The system of displaying a measurement result in an inspection process according to claim 8, wherein the device comprises an identification unit for reading a lot number such as a bar code, wherein the identification unit reads the lot number and then adds the number to the measured data so as to transmit the data to the host, and wherein the processes management server includes the lot number in the produced result of assessing the measured value ('951, col. 5, line 42).

Claim 14 recites, as disclosed by Maeda:

14. A lot processing system using the system of displaying a measurement result in an inspection process according to claim 8, the system comprising: a host that controls and manages a device for inspecting a lot in each of a plurality of processes, wherein the host does not transmit an instruction to transfer a corresponding lot or transmits an instruction to transfer the lot to a buffer, to a transferring portion connected to the host via network in case that a result of assessing a measured value of the lot is abnormal while transmitting to the transferring portion an instruction to transfer the

corresponding lot and also transmitting to a processing device for a next process an instruction to start processing of the corresponding lot in case that the result of assessing the measured value is normal ('951, col. 4, line 40).

Claim 15 recites, as disclosed by Maeda:

15. A host server for use in an inspection process using a network, comprising a device control server that controls a device of an inspection process in one or a plurality of processes via a network and transmits to the device a condition of measuring a lot determined to be use ('951, ref 23); and a processes management server that intensively manages the device, assesses measured data, which is received via the network, based on a predetermined assessment standard, and then produces a result of assessing a measured value so as to transmit the result to the device ('951, 21).

Claim 16 recites, as disclosed by Maeda:

16. The host server according to claim 15, wherein the processes management server does not transmit an instruction to transfer a corresponding lot or transmits an instruction to transfer the lot to a buffer, to a transferring portion connected to the host via the network in case that the result of assessing the measured value is abnormal while transmitting to the transferring portion an instruction to transfer the corresponding lot and also transmitting to a processing device for a next step an instruction to start

processing of the corresponding lot in case that the result of assessing the measured value is normal ('951, col. 4, line 40).

Allowable Subject Matter

Claims 2-3 and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 recites, "wherein the determining step includes displaying that the lot is abnormal, when the result of asserting the measured value is abnormal and displaying that the lot starts into a next process when the result of assessing the measured value is normal ". This feature in combination with the remaining claimed structure avoids the prior art of record.

Claim 3 recites, "wherein the providing step includes providing a display corresponding to the result of assessing the measured value and a display of an operating condition showing the device operating or not operating, by lighting up, turning off, or flashing four colors of a four color display unit, connected to the device, the unit, including a first display portion, a second display portion, a third display portion and a fourth display portion of colors different from each other".

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This feature in combination with the remaining claimed structure avoids the prior art of record.

Claim 9 recites, "wherein the host comprises a host terminal connected to the network, and the host terminal displays that the lot is abnormal when the result of assessing the measured value is abnormal while displaying that the lots starts into a next process when the result of assessing the measured value is normal". This feature in combination with the remaining claimed structure avoids the prior art of record.

Claim 10 recites, "wherein the device comprises a four color display unit including a first display portion, a second display portion, a third display portion and a fourth display portion of colors different from each other, and wherein the four color display unit provides a display corresponding to the result of assessing the measured value and a display showing an operating condition of the device operating or not operating, by lighting up, turning off or flashing four color of the four colors display unit". This feature in combination with the remaining claimed structure avoids the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL NGHIEM
PRIMARY EXAMINER

SJC